

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **MARCH 11, 2009**

Committee Members Present:

Supervisors Stec
 Belden
 O'Connor
 Bentley
 Tessier
 Taylor
 VanNess
 Kenny
 Merlino

Others Present:

Fred Monroe, Chairman of the Board
Hal Payne, Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Kevin Geraghty, Budget Officer
Supervisor Champagne
Supervisor Pitkin
Supervisor Sheehan
Supervisor Strainer
Supervisor Thomas
Richard Murphy, Deputy Commissioner of
Fiscal Services
Rob Lynch, Deputy Treasurer
Todd Lunt, Director, Human Resources
Bud York, Sheriff
Shane Ross, Chief Deputy
Paul Butler, Director, Parks, Recreation & Railroad
Barbara Taggart, Administrator, Westmount
Health Facility
William Lamy, Superintendent of Public Works
Bill Resse, Director, Employment & Training
Laura Vamvalis, Glens Falls National Bank
Mickey Orta, Glens Falls National Bank
Zandy Gabriels, Town of Bolton
Dave O'Brien, Town of Queensbury
Jon Alexander, *The Adirondack Journal*
Alyson Martin, *The Post Star*
Nicole Livingston, Deputy Clerk

Mr. Stec called the Finance Committee meeting to order at 10:00 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Taylor and carried unanimously to approve the minutes of the February 11, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Finance Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Commencing the Agenda review, Mr. Stec apprised Item 1 was the request for Transfer of Funds that were attached for Committee approval. He noted that Supervisory Committee approval had been obtained as necessary.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 1 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec stated Item 2 was a referral from the County Clerk-Motor Vehicles Committee, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$15,311 to accept unexpended funds suspended from the 2008 County budget for the LGRMIF (Local Government Records Management Improvement Fund) grant project.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 2 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec advised Item 3 was a referral from the County Facilities Committee, requesting a source of funding in the amount of \$71,700 for Clark Patterson Lee (CPL) to further review the former Jail, assess any future court space issues and to develop a Master Plan by May of 2009. He noted that the Treasurer's Office recommended the source of funding to be transferred from the Unappropriated General Fund Balance.

Motion was made by Mr. VanNess and seconded by Mr. Belden to approve the request as presented.

Mr. Belden expressed his concern that the study prepared by Clark Patterson Lee would not provide enough information. Mr. Taylor agreed and added that \$71,700 was a substantial amount of money for a study. Mr. Thomas explained that the idea was to study the courts and the former jail in order to obtain a workable plan that could be accomplished over the next several years. Mr. Stec acknowledged the need for a plan; however, he said, the Supervisors were frustrated with engineering costs. He said the \$71,700 would only provide a study, not a design plan.

William Lamy, Superintendent of Public Works, expounded that the County Facilities Committee had raised the same questions that were being asked this morning. He explained the process of how Clark Patterson Lee was selected. He said a Request for Proposal (RFP) had been sent out last year for these types of services and after review of the proposals, CPL was selected as the consultant that could provide these services at the lowest cost to the County. He further stated that the County Facilities Committee had CPL attend a meeting and defend their proposal and associated fees. Following that review, he added, the County Facilities Committee referred the request

to the Finance Committee. Mr. Lamy asserted that if the Finance Committee would like the same presentation from CPL that the County Facilities Committee received, that would be possible; however, he said, the Chairman of the Board had requested that this issue be expedited as quickly as possible.

Mr. Merlino expressed his dismay with the recent dealings with engineers on a number of projects. He added that engineers tended to over price projects leading to the companies that would provide the work to over price their cost estimates to meet or exceed that of the engineers. He noted that the assistance of Mr. Lamy and his staff was needed with the large projects that the County had embarked on. Mr. Tessier provided examples of problems that he had experienced with engineers in relation to the Gaslight Village property. Mr. VanNess said his main concern was focused on the former jail which the board members had been discussing for nearly five years. He noted the County was still paying to heat that space and a determination needed to be made as to whether that portion of the building was salvageable or should be demolished.

In connection with the need for additional court space, Mr. Pitkin recommended researching infrastructure facilities in other towns, many of which only utilized their town courts once or twice a week, as opposed to constructing new buildings. Mr. Stec commented that the idea of utilizing town space had been discussed in the past and could be researched further.

Chairman Monroe stated that he felt strongly that a plan was needed and it could not be developed without outside assistance. Mr. Stec agreed; however, he said, it was the associated cost of obtaining that information that was disturbing. Chairman Monroe pointed out that under the Federal Stimulus Plan, there may or may not be opportunities available for funding and the sooner a plan was put together, the more likely it would be that the County would be awarded funds.

Mr. Geraghty expressed his concern that the study would not satisfy the desired needs of the County. He advised one report should provide all the necessary information and he did not think the CPL study would address every issue that was presented. Mr. Stec asked Mr. Lamy if it would be possible for him to include this on a priority list and develop a plan and options with associated costs in order for a design to be prepared. Mr. Lamy replied that with his current DPW staff he would not be able to provide that type of information and would have to rely on outside experts to develop such.

Mr. VanNess apprised that during the meeting with CPL, discussions included the HazMat (Hazardous Materials) concerns and CPL affirmed that those issues would be addressed within the report; however, he noted, there was no such reference in the report that had been received.

Discussion ensued.

Following discussions, Mr. Stec called the question and the motion failed due to the lack of majority vote.

Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried unanimously that Item 3 be referred back to the County Facilities Committee in conjunction with a request to hold a joint meeting with the Finance Committee and to request Clark Patterson Lee to be present to further review the study.

Returning to the Agenda review, Mr. Stec stated Item 4 was a referral from the County Treasurer, to review the RFP for analysis of cash flow and unappropriated fund balance and consulting services relative thereto. He noted that the bid tabulation sheet was attached for review.

Mr. Stec advised that he had reviewed the proposals and costs, which ranged in estimates of \$6,800 to \$154,000 for the requested services. He expounded that Frank O'Keefe, County Treasurer, had informed the Committee that the New York State Comptroller's Office had offered to provide these services at no cost to the County. He added that the cash flow tracking procedures had improved within the Treasurer's Office; therefore, he said, he would recommend rejecting all the proposals received and to possibly contact the State Comptroller to provide any requested assistance.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to reject all RFPs received and to pursue dialog involving the State Comptroller's Office, the Treasurer's Office and the Finance Committee with regard to tracking the cash flow and unappropriated fund balance for the County.

Chairman Monroe apprised another issue with the cash flow was that the State of New York normally paid real property taxes in January and a voucher had been submitted on January 7, 2009 and the County had yet to receive payment. He added that was a \$2.5 million addition to the cash flow problem and suggested that the County take action in requesting the tax payment from the State. He noted that Senator Little's Office had researched the issue and had determined that Clinton, Franklin, Warren and Washington Counties had not received payments; whereas Essex and Hamilton Counties had been paid. Rob Lynch, Deputy Treasurer, interjected that the individual from the New York State Office of Real Property Tax Services that handled Warren County had retired in January which may have resulted in the delayed payment.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously authorizing the Chairman of the Board to forward a letter to State Legislators regarding the delayed real property tax payment from the State.

Mr. Stec suggested that the Committee move to Item 11 of the Agenda at this time. He stated that Item 11 was a request from Laura Vamvalis, from Glens Falls National Bank, to address the Committee regarding the Up Yonda Farm.

Ms. Vamvalis identified herself as the Administrator assigned to the Trust assisted in funding Up Yonda Farm under the Alice Scott Trust. She introduced Mickey Orta, Investment Advisor at Glens Falls National Bank assigned to the oversight of the investments in the portfolio. Ms. Vamvalis distributed a handout to the Committee members which outlined the distributions over the last five years from the Trust, a copy of which is on file with the minutes. She apprised of a shortfall in the 2008 budget totaling \$14,895.37. She reviewed the handout in detail for the benefit of the Committee. Mr. Belden questioned the projected shortfall for 2009 and Ms. Vamvalis responded approximately \$42,000.

Following discussions, the consensus of the Committee was to refer the matter of a shortfall within the Up Yonda Farm budget in the amount of \$14,895.37 back to the Parks, Recreation & Railroad Committee for further discussion.

Resuming the Agenda review, Mr. Stec noted Item 5 was a referral from the Health Services Committee, Westmount Health Facility, requesting to establish Capital Project No. H296.9550 280- Study for the Installation of a Sprinkler System at Westmount Health Facility, for the purpose of completing a study prior to installing a New York State Department of Health mandated internal sprinkler system, in the amount of \$5,000, with the source of funding to be EF.229000 909.00-Unrestricted Fund Balance.

Mr. Merlino questioned if the \$5,000 would be paid to an engineering company or to a sprinkler company and Mr. Stec replied the funds were only for a study. Barbara Taggart, Administrator of Westmount Health Facility, added that the study would be performed by Clark Patterson Lee. Mr. Merlino asked why a sprinkler company could not be brought in to perform the study and install the system. Mr. Lamy advised that the New York State Education Law required that any expenditure greater than \$5,000 for public works needed the seal of a licensed professional engineer. He noted that Mr. Merlino's suggestion was a design/build plan and he would need to refer to the County Attorney as to whether or not that was an option. Mr. O'Connor stated that he believed if a sprinkler company provided an estimate of a design/build plan they would be precluded from bidding on the project. Paul Dusek, County Attorney, said it would require a different type of structure in that if it were a design/build plan, bids would be accepted first and then the company would be chosen. He clarified that it would not be an RFP, it would have to be a bid under the Law and he added he would need to further research the matter before providing a definitive answer. Mr. Dusek reiterated that the request before the Committee today was to establish a fund for the pending project. Mr. Stec asked Mr. Lamy if he had a Professional Engineer on staff that would be able to provide the design of the sprinkler system and Mr. Lamy responded that he

had not been able to hire anyone that was versed in sprinkler system design and added that nursing homes had strict regulations that needed to be followed. Ms. Taggart said the sprinkler system compliance date was 2013.

Mr. Sheehan entered the meeting at 10:51 a.m.

Discussion ensued regarding Municipal Law and County Purchasing Policies for projects.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to authorize establishing Capital Project No. H296.9550 280 in the amount of \$5,000 and to include a design/build option plan instead of an engineering study, if approved by the County Attorney. The necessary resolution was authorized for the next board meeting.

Mr. Stec expounded Items 6A and B were referrals from the Human Services Committee, Employment & Training Administration. Item 6A, he said, was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$36,709 to reflect receipt of Federal grant funds.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 6A as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec added Item 6B was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$6,250 to reflect receipt of Federal grant funds.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried by majority vote to approve Item 6B as outlined above, with Mr. Taylor voting in opposition. The necessary resolution was authorized for the next board meeting.

Mr. Stec apprised Item 7 was a referral from the Planning & Community Development Committee, requesting to establish Capital Project No. H297.9550 280-Warren County Quadricentennial Program, for the Warren County Quadricentennial Commemoration Projects Coordinated Program, in the amount of \$45,000, with the source of funding to be a State Grant from the New York State Department of Environmental Conservation.

Motion was made by Mr. Belden and seconded by Mr. Merlino to approve the request as presented.

Hal Payne, Commissioner of Administrative & Fiscal Services, advised that this project was in connection with the 400th Anniversary of the finding of the Hudson River which

was partially conducted in the New York City area and continued through upstate New York. Chairman Monroe added that a map was developed that outlined events along the Hudson River; however, he noted, the map ended in the Town of Cohoes. He further explained that this project would assist in continuing the map north of Cohoes. Mr. Kenny questioned if the Tourism Department would be involved with promoting this and Chairman Monroe replied affirmatively.

Following discussion, Mr. Stec called the question and the motion was carried unanimously to approve Item 7 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec remarked Items 8A and B were referrals from the Public Safety Committee. Item 8A, he said, was referred from the Sheriff & Communication, requesting authorization for a contract with Justice Benefits, Inc., for the State Criminal Alien Assistance Program Management, for an amount to be determined upon contract award.

Motion was made by Mr. VanNess and seconded by Mr. Bentley to approve the request as presented.

Shane Ross, Chief Deputy, explained that some inmates were identified as criminal aliens and this program would pursue Federal funds on behalf of the County for incarcerating those alien inmates. He added that Justice Benefits, Inc. retained 20% of the funds received and the County received 80%. He noted that an RFP had been issued for these services and Justices Benefits, Inc. was the only response received.

Mr. Stec called the question and the motion was carried unanimously to approve Item 8A as outlined above. The necessary resolution was authorized for the next board meeting.

Continuing, Mr. Stec noted Item 8B was referred from the Office for Emergency Services, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$1,543 to use excess LEMPG (Local Emergency Management Preparedness Grant) funds from 2008.

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to approve Item 8B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec expounded Items 9A though C were referrals from the Public Works Committee. Items 9A and B, he said, were referred from the DPW. He noted Item 9A was a request to increase Capital Project No. H166.9550 280-Lake George Basin

Sewer, in the amount of \$2,463,015, with the source of funding to be NYSEFC (New York State Environmental Facilities Corporation) funds paid to the Town of Hague.

Motion was made by Mr. Merlino, seconded by Mr. Belden and carried unanimously to approve Item 9A as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec added Item 9B was a request to determine a source of funding for the purchase of the road widener machine from the Town of Queensbury, in the amount of \$45,000. He noted that the source of funding could be either Road Machinery Fund or Equipment BAN.

Mr. Lamy announced that the Treasurer's Office had recommended that the source of funding should be the Road Machinery Fund.

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously that the source of funding to purchase the road widener machine shall be the Road Machinery Fund. The necessary resolution was authorized for the next board meeting.

Mr. Stec stated Item 9C was referred from the Parks, Recreation & Railroad, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$55,000 to reflect receipt of the A/GFTC Make the Connection grant award.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve Item 9C as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec advised Items 10A through E were referrals from the Warren County Soil & Water Conservation District. He noted that Items A through D were requests to ratify the actions of the District Manager and he listed them as follows:

- A) Authorizing Professional Surveyor Consultant Services for additional services for Flood Elevation Certificate for an amount of \$346.10;
- B) Authorizing the District Manager to obtain quotes for the purchase of furniture from Kimberly Scott Inc. in the amount of \$11,716.26.
- C) Authorizing the District Manager to obtain quotes for the purchase of furniture from Charlie's Office Furniture, Inc. in the amount of \$1,069.23.
- D) Authorizing the District manager to obtain quotes for pole barn materials from Curtis lumber in the amount of \$11,583.67.

Motion was made by Mr. Belden and seconded by Mr. Bentley to approve Items 10A through D as outlined above.

Mr. Belden asked if the furniture would be purchased off of State contract and Mr. Thomas replied affirmatively.

Mr. Stec informed the Committee that the aforementioned requests had been purchased; therefore, he said, the approval would be to ratify the actions of the District Manager with regard to the above listed purchases, as opposed to obtaining quotes.

Mr. Thomas explained that a problem had arisen with the pole barn in that the design had been prepared by Curtis Lumber and accepted; however, he noted, the design did not meet building codes. He stated that it was referred back to the original engineer to add the necessary work in order for the pole barn to be compliant with building codes which led to the additional costs.

Mr. Stec called the question and the motion was carried unanimously to approve Items 10A through D as outlined above, and the necessary resolutions were authorized for the next board meeting.

Mr. Stec continued and said Item 10E was a request to authorize the District Manager to obtain quotes for the materials for the installation of the ADA handicap ramps and landings for the new building for an amount not to exceed \$3,000.

Joan Sady, Clerk of the Board, clarified that the request was to obtain bids, not quotes.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to approve Item 10E as outlined above, and the necessary resolution was authorized for the next board meeting

Mr. Stec expounded Item 12 was discussion regarding the \$45,000 contract for the Adirondack Regional Business Incubator (ARBI). He reminded the Committee members that ARBI had ceased operations. Mr. Taylor confirmed that the ARBI was inactive at this time and therefore he recommended that the request be tabled.

Motion was made by Mr. Taylor, seconded by Mr. VanNess and carried unanimously to table Item 12.

Concluding the Agenda review, Mr. Stec apprised Finance Committee action was required on the following items that were approved by the Personnel Committee: Items 2B, 5A and 5C. He noted an additional item approved by the Personnel Committee was the creation of the position of POE Coordinator and that would require Finance Committee action as well.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to approve Item 13.

Prior to adjournment, Chairman Monroe announced he would like to discuss a few more matters. He stated that the Gaslight Village Management Committee had met yesterday and The Chazen Companies provided three different versions of plans for the property and the buildings located on such. He requested the Supervisors to review the plans located outside of the Board Room and reminded everyone of the Public Hearing which would be held on Tuesday, March 17, 2009 at 7:00 p.m.

Mr. Kenny strongly encouraged the Board of Supervisors to take a position on one of the options in order to progress the project. Chairman Monroe added that a long range plan needed to be determined for funding in the future, as well as a short term plan in order to utilize the property for upcoming events.

Mr. VanNess referred to a quote that was in the local newspaper that was incorrect. He stated that when he referenced the loss of the New York State Fire Chiefs Association Convention in the area it was due to the lack of a location, not specifically due to the indecisiveness of the Gaslight Village property.

Chairman Monroe remarked that he had received a request for a letter of support from the Capital District Regional Planning Commission for the application to the Foreign Trade Zone Board. Mrs. Sady added that she had contacted Len Fosbrook, President of the Economic Development Corporation regarding this and he believed it was a time sensitive matter and should be presented to the full Board of Supervisors at the March 20, 2009 Board meeting.

Motion was made by Mr. Belden, seconded by Mr. Taylor and carried unanimously to authorize the Chairman of the Board to forward a letter of support to the Capital District Regional Planning Commission for the application to the Foreign Trade Zones Board.

Chairman Monroe announced that he had received a letter stating that the Empire Zone modification had been approved. Mr. Stec said he believed that the Town of Queensbury had just reviewed this as well, and the Town had authorized a shift resolution, thereby allowing a new business into the area which would create eleven high paying jobs.

There being no further business to come before the Committee, on motion made by Mr. VanNess and seconded by Mr. Belden, Mr. Stec adjourned the meeting at 11:20 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk